



**US Army  
Corps  
of Engineers  
Baltimore  
District**

# **PUBLIC NOTICE**



**Maryland Department  
of  
the Environment**

**In Reply to Special Public Notice  
CENAB-OP-RMS #06-30**

**Subject: MAPLE DAM ROAD MITIGATION BANKING INSTRUMENT**

**Comment Period: May 30, 2006 to June 14, 2006**

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The purpose of this Joint Public Notice is to solicit comments from the public about the proposed Maple Dam Road Mitigation Bank. We are requesting your comments to determine if approval should be granted for this location as a commercial mitigation banking site for the purpose of mitigating wetland impacts authorized by the Department of the Army and the State of Maryland.

The Maryland Department of the Environment (MDE) and the Baltimore District Corps of Engineers (Corps) have received a Wetland Mitigation Bank Instrument proposal. This Instrument is in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks and the Maryland Department of Environment's Mitigation Banking regulations.

Recognizing the potential benefits mitigation banking offers for streamlining the permit evaluation process and providing more effective mitigation for authorized impacts to waters of the United States including wetlands, the agencies encourage the establishment and appropriate use of mitigation banks.

Project Sponsor: Donald J. & Susan M. Miko  
12205 Stoney Batter Road  
Kingsville, Maryland 21087

The purpose of this proposed bank is to provide compensatory mitigation for future unavoidable impacts to Waters of the United States, including nontidal wetlands that result from activities authorized under Section 404 of the Clean Water Act and the Maryland Nontidal Wetlands Protection Act, provided such use has met all applicable requirements and is authorized by the appropriate authority(s). The mitigation bank would be used to comply with special condition mitigation requirements of permitted projects by providing in-kind compensation for authorized wetlands losses.

The mitigation bank may only be used for future projects after all appropriate and practical steps to avoid and minimize adverse impacts to aquatic resources, including nontidal wetlands, have been taken. Remaining unavoidable impacts must be compensated to the extent appropriate and practicable. The bank may be used when on-site compensation is either not practicable or use of the bank is environmentally preferable to on-site compensation.

This Instrument should not be construed as providing ultimate authorization for specific projects, as excepting such projects from any applicable statutory or regulatory requirements, or as preauthorizing the use of credits from the bank for any particular project.

**Project Location and Description:** The proposed mitigation bank is located in Dorchester County, Maryland on Maple Dam Road. The Sponsors propose, in accordance with the attached plans, to establish 42 acres of forested, scrub/shrub and emergent wetlands in three separate phases (Phase I, 16.64 acres; Phase II, 15.26 acres; and Phase III, 10.09 acres) to serve as a commercial wetland mitigation bank. Construction will include plugging ditches to restore hydrology, scuffing the land to create microtopography and planting seedlings, shrubs and grasses to create a natural wetland environment native to Dorchester County. The mitigation bank is subject to a mitigation banking instrument that institutes guidelines and responsibilities for the establishment, use, operation and maintenance of the proposed bank. The service area for the mitigation bank would be Dorchester County.

The decision whether to adopt this mitigationbank instrument would be based upon an evaluationof the probable impacts including cumulative impacts of the proposedbank on the public interest. That decision would reflect the national concern for both protectionand utilizationof important resources. The benefit which **reasonably may** be expected to accrue from the proposalmust be balancedagainst its reasonably foreseeabledetriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmentalconcerns, wetlands, cultural values, fish and wildlifevalues, flood hazards, floodplain values, land use, navigation, shoreline, erosion and accretion, recreation, water supply and conservation, water quality, energy needs. **safety**, food and fiber production, and, in general, the needs and welfare of the people.

All work is to be completedin accordancewith the draft **Mitigation Banking** Instrument and exhibits, which are available for review at the Baltimore Corps District Office, and the **Maryland Department of the Environment**, both in Baltimore, Maryland. If you have any questionsconcerningthis matter or wish to review the aforementioneddocuments, please contact Mr. George **Beston**, MDE, at **(410) 537-3823** or Mrs. Maria Lasek, Corps, at **(410) 962-4501**.

The applicant must obtain any State or local government permits which may be required.

It is requested that you communicate the foregoing informationconcerningthe proposed work to any persons known by you to be interestedand being known to this office, who did not receive a copy of this notice.

Written comments concerningthe activity described above must be submitted directlyto the District Engineer. U.S. **Army Corps of Engineers**, Baltimore District, Attn: **CENAB-OP-RMS**, P.O. Box **1715**, Baltimore, Maryland, **21203-1715** and/or the Water Management Administration, Maryland Department of the Environment. **1800 Washington Boulevard, Suite 430, Baltimore, Maryland 21230-1708**, withinthe comment period as specifiedabove to receive consideration.

FOR THE DISTRICT ENGINEER:

/s/

Walter Washington, Jr.  
Chief, Maryland Section Southern  
U.S. Army **Corps** of Engineers

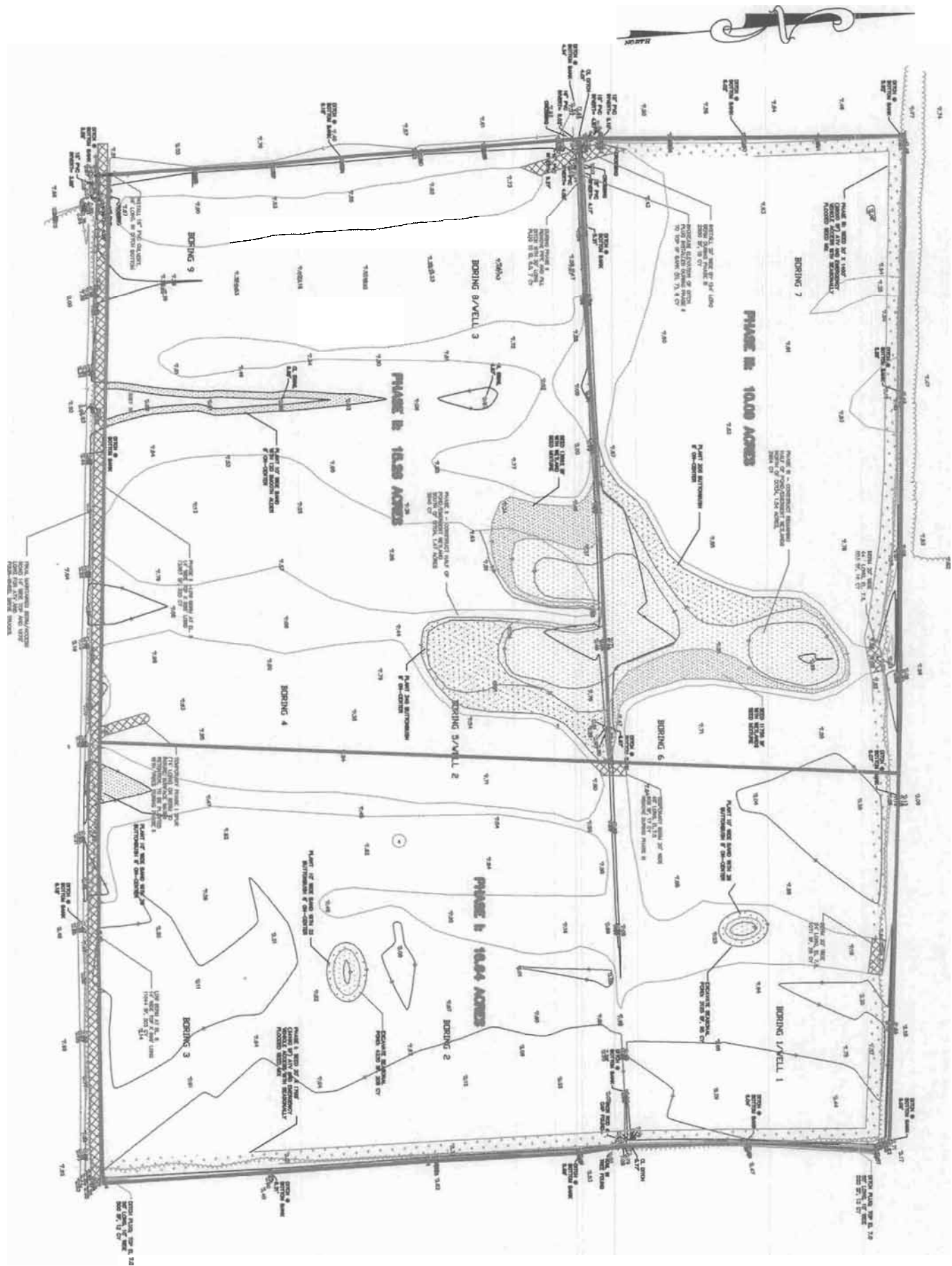
FOR THE SECRETARY:

/s/

George **Beston**  
Chief, **Wetland Mitigation & Technical Assistance** Section  
Maryland Department of the Environment

Enclosures





WETLANDS MITIGATION PLAN  
 MAPLE DAM FARM MITIGATION BANK  
 CAMBRIDGE, DORCHESTER COUNTY, MARYLAND

Exhibit C  
 2 of 3

RES RESTORATION  
 ECOLOGICAL  
 SERVICES, INC.

311 N. AURORA ST.  
 EASTON, MD 21601  
 PHONE 410-820-7465

3-7-06  
 11-21-05  
 1" = 200'  
 0004-0002  
 PLAN

# MARYLAND WATERSHED DESIGNATIONS

